

AN  
ORDINANCE  
OF THE  
LORDS and COMMONS  
Assembled in  
PARLIAMENT,  
For  
The repairing of CHURCHES, and  
paying of all  
Church-Duties

Whatsoever within the Kingdome of  
*England, and Dominion Wales.*

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*Die Mercurii, 9 Februarii. 1647.*

**O** *Rdered by the Lords Assembled in Parliament, That  
this Ordinance for repairing of Churches, and pay-  
ing of Church-Duties, be forthwith printed and published  
and sent to all Churches and Chappels within the Kingdome  
of England and Dominion of Wales.*

*Ioh. Broœan Cler. Parliamentorum.*

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*Imprinted at London for John Wright at the  
Kings Head in the old Bayley. 1647.*

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1 Gt. Br. - History: Civil war, 1642-49:

Pamphlets

2 Church history, Gt. Br., 1647



Formerly, Dixon Coll 2-36

\* KC

1647

Great Britain

Statutes



*Die Mercurii, 9 Februarii. 1647.*

# An Ordinance for repairing Churches, and for payment of Church-Duties.



Or the upholding and keeping all Parish Churches and Chappels within this Kingdome of *England* and Dominion of *Wales* from utter ruine and decay, and for payment of Church-Duties, It is Ordered and Ordained by the Lords and Commons Assembled in Parliament, That foure, three, two, or one substantiall Inhabitant or Inhabitants of every Parish or Chappelry afore said, (having respect to the proportions or greatnesse of every such parish or Chappelry) shall be nominated and chosen yearly on the Munday or Tuesday in Easter weeke, by the Parishioners of every Parish or Chappelry, (which are or shall be rateable to the repaire of any such Church or Chappell) or the greatest part of such of them as shall be then assembled for the choyce of Officers within the Parish or Chappelry) to be Church-warden, or Church-wardens, or Collectors of moneyes for Church-Duties, within every such Parish or Chappelry respectively, where any such Church-warden or Church-wardens have or hath been formerly used to be nominated or chosen; or in default hereof, every such Parish or Chappelry shall forfeit

*Churchwarden  
to be 2 of  
at Easter*

churchwardens to  
approve of  
within one  
moneth.

the summe of forty shillings, to the use of the poore of the said parish, to be recovered as is hereafter expressed; which church-wardens or collectors so to be chosen, are within one moneth after their choyce to be allowed and approved of under the hands and seales of two of the next Justices adjoyning to the parish or chappelry aforesaid.

to be made

And it is further Ordained, That the church-wardens, or collectors aforesaid, together with the Overseers of the poore of the same parish or chappelry, or the greater part of them, upon publike notice thereof first to be given by the church-wardens in the said church or chappell, shall from time to time make rates or assessments, by taxation of every Inhabitant dwelling or residing within such parish or chappelry, and of every Occupier of lands, houses, tythes impropriate, or impropriation of tythes, colemnies, or saleable underwoods, or other hereditaments, within the said parish or chappelry, in such competent summe and summes of money as they shall thinke fit, for and towards the reparation and maintenance of every such parish church or chappell respectively, and providing of Books for the said church or chappell, and of Bread and Wine to be used at the administration of the Sacrament there, and for repairing the walls and inclosures of the church yards, or burying places thereunto respectively belonging, and for doing and performing every such thing and things as by this Ordinance is appointed to be done, at the charge of such parish or chappelry; As also for the doing and executing of all and every matter, which to the office, place, or duty of the church-wardens of any such place wherein they shall

space to be  
of the  
yard



shall be respectively chosen, shall appertaine to bee done; which said church-warden or church-wardens shall within foure dayes after the end of their yeare, and after other church-warden or church-wardens nominated, make and yeeld to the succeeding church-wardens, and to such Justices of the Peace as aforesaid, a true and perfect accompt of all summs of money by them received, or rated and assessed, and not received; and of all other things concerning their said Office, and such sum or sums of money as shall be in their hands, shall pay and deliver over to the said church-warden or churchwardens newly nominated and appointed as aforesaid, upon paine that every one of them being negligent or faulty therein, or in the execution of their said Office, shall forfeit for every such default or negligence, the sum of twenty shillings to the use of the poore of such parish or chappelry, as aforesaid, whereof he shall be church-warden. And it is Ordained by the authority afore-  
*In answer  
 as to make  
 next & to  
 justice*  
 said That all Rates, Taxations, and Assessements, heretofore made by the church-warden or church-wardens of any parish or chappelry aforeaid, by themselves or with others, according to the custome of such parish or chappelry, since the first day of Mach in yeare of our Lord God 1641. for or towatds the repaire of any church or chappell respectively, or doing of any thing appointed by this Ordinance to be done, if they shall now be confirmed by the two next Justices of the Peace, they shall stand, and be as good and effectuell in the Law, to all intents and purposes as if the same were to bee made or done by and according to this Ordinance: And that it shall and may be lawfull, as well for the present  
*else for  
 20.*  
*former  
 rates to  
 confirm*

as subsequent Church-warden or Collectors, or any of them, their Rates being first confirmed by the two next Justices of the Peace, by Warrant under the hands and seals of two such Justices of the Peace within such County or Townes corporate, to leavie as well all and every the said summes of money, and all Arrerages of every one which shall refuse or neglect to pay or contribute their rateable parts of such Assessements as aforesaid, and the forfeitures before mentioned by Distresse, and sale of the Offenders goods, as also all and every the summe and summes of Money which shall be behinde upon any Church-wardens Accompt, for, or concerning the repaire of any such Church or Chappell, or other the things aforesaid; and likewise the summe of two shillings for and towards the charge and expence in leavying of the same, rendering to the party or parties the overplus; and in default of such Distresse it shall bee lawfull for any two such Justices of the Peace to commit him, or her, or them so refusing, or neglecting as aforesaid, to the common Goale of the County, City, or Towne corporate respectively, where such Justices of the Peace are, and such offences shall be committed, there to remaine without Bayle or Mainprize untill payment of the said severall summes and Arrerages; and to commit to the said Prison, every one of the said Church-wardens which shall refuse to accompt, there to remaine without Bayle or Main-prize untill he hath made a true Accompt, and satisfied and paid so much as upon the said Accompt shall be remaining in his hands. Provided alwaies, That if any person or persons shall finde him, or her, or themselves agrieved with any Assesse-

*thmonts  
to pay  
6.*



Assessment, or Tax, or other act done by the said Church-warden or Church-wardens or by the said Justices of the Peace, or any of them, that then it shall and may be lawfull for the party grieved to complaine thereof at the next generall Quarter Sessions of the Peace, where the Justices of the Peace, or the great number of them shall make such order therein as to them shall be thought convenient, and the same to conclude and binde all the said parties.

And be it further Ordained, that the Mayors, Bayliffs, or other head Officers of every City, Town, or place corporate within this Realme, or the Dominion of *Wales*, being Justice, or Justices of the Peace, shall have the same authority by vertues of this Ordinance within the severall limits and precincts of their Jurisdictions, as well out of Sessions as at their Sessions, if they shall hold any, as is before limited, prescribed, and appointed to Justices of the Peace of the County, or any two or more of them, or to the Justices of the Peace in their Quarter Sessions to doe, and execute for all the uses and purposes in this present Ordinance prescribed, and no other Justice, or Justices of the Peace to intermeddle there; and that every Alderman of the City of *London* within his Ward shall and may doe and execute in every respect so much as is appointed and allowed in this Ordinance to be done and executed by one or two Justices of the Peace of any County within this Realm. And be it also Ordained. That if it shall happen that any Parish doe extend it selfe into more Counties then one, or part therof to lye within the Liberties of any City, Town, or place corporate, and part without, that then the Justices

Justices of the Peace of every County, as also the head Officer, or Officers, or Justices of the Peace of such City, Towne, or place corporate, shall deale and intermeddle onely in so much of the said Parish as lyeth within their Liberties, and not any further; and every of them respectively within their severall Limits, Wards and Jurisdictions, to execute the Ordinance aforementioned concerning the confirming of Rates, the giving of Warrant for the leavying of Taxes unpaid, the committing to prison such as refuse or neglect to pay their rateable part of the said Assesments having no sufficient Distresse, the taking Accompts of Church-wardens, and the committing to Prison such as refuse to accompt, or deny to pay the Arrerages due upon their Accompts; and yet neverthelesse the Church-wardens, or the greatest number of them of the said Parishes extending into such severall Limits & Jurisdictions, shall without dividing themselves duly execute their office in all places within their said Parish in all things to them belonging; and shall duly exhibite and make one accompt before the head Officer, or Officers, or Justices of the peace of such Towne, or place Corporate, and one other before the Justices of the said County, or any such two of them as is aforesaid.

And be it further Ordained, that if any action of trespassse, or other suit shall happen to be attempted, or brought against any person, or persons, for taking any distresse, or making any sale, or any other thing doing by the authority of this present Ordinance, the defendand or defendants in any such action or suit, and all others which in their aid and assistance, or by their commands shall doe any act or thing touching



touching or concerning the premises, or any of them, or his or their Officer, or Officers, it shall and may be lawfull for them, and every of them to plead the generall issue, that he or they are not guilty, and to give such speciall matter in evidence to the Jury which shall try the same, which speciall matter being pleaded had bin a good and sufficient matter in Law to have discharged the said defendant or Defendants of the Trespasse or other matter laid to his charge, and that if upon the triall of any such Action or Suit, the plaintiffe or plaintiffes shall not prove to the Jury which shall try the same, that the fact or cause of his or their Action or Suit, was, or were had, made, committed, or done within the County wherein such Action or Suit shall bee laid, That then in every such case the Jury which shall try the same shall finde the defendant or defendants in every such Action or Suit not guilty, without having any respect or regard to any evidence given by the Plaintiffe or Plaintiffes therein, touching the Trespasse, fact, or cause, for which the same Action or Suit is or shall be brought, and that if the verdict shall passe with the said defendant or defendants in such Action, or the Plaintiffe or Plaintiffes therein, become non-suit, or suffer any discontinuance thereof, that in every such case the Justice or Justices, or such other Jndge, or Court before whom the said matter shall be tryed or depending, shall by force and vertue of this Ordinance allow unto the defendant or defendants his or their double costs which he or they shall have sustained by reason of his or their wrongfull vexation in defence of the said Suit or Action, for which the said defendant or de-

fendants, shall have like remedy, as in other cases  
 where cost by the Law of this Realm are given to the  
 defendants : & for as much as the Churchwardens or  
 Collectors aforesaid may peradventure be carelesse  
 or negligent in performing their duty, it is further  
 Ordered and Ordained, that upon complaint made  
 to the two next Justices, or one of them, or other  
 information had thereof, the aforesaid Justices, or  
 one of them, shall or may in their owne persons view  
 the said Churches or Chappells, or appoint the Mi-  
 nister, and some other of the parishioners to certifie  
 unto them, or one of them, what reparations are or  
 shall be needfull, and thereupon they or one of them  
 shall by a Warrant under their hand and seales to the  
 Church-wardens order and direct what reparations  
 shall be done within the said churches or chappells, &  
 limit and appoint the time for the doing of the same;  
 and if the Order aforesaid be not performed, they  
 shall binde over the said churchwardens or collectors,  
 or any of them, for their negligence herein to the  
 next Sessions of the peace, where if the court shall  
 allow of the Order, the Offender or Offenders upon  
 due proove of his or their negligence or offence here-  
 in shall be severally fined, so as the fine exceeds not  
 fourty shillings upon any one of them, and the  
 offender is to be committed untill the fine bee paid,  
 which is to be disposed of to the use of the Poore of  
 the said Parish or Chappelrie. Provided alwaies, and  
 it is the intent and meaning of the said Ordinance,  
 that the Parishioners, and the churchwardens of any  
 Parish or chappelrie shall not be charged with, or  
 lyable unto the repaying of any chancell, or chan-  
 cels, or of any particular Ile in Churches or chap-  
 pells,

& .  
 Juriswardens  
 & ligent in  
 paym<sup>nt</sup>  
 to be prov-  
 & against

parroll's and  
 to be repay-  
 ed to be for  
 or penalty.



chappells, which have formerly by prescription, or custom bin used to be repaired by the Parsons or Vicars, Impropriators, or others, but that the said Parsons, Vicars, Impropriators, and all othetr persons whatsoever both politique and corporate, their heires and successors, which have formerly beene lyable to the reparations of all or any part of any church, chappell, chancell, Isle, or other place belonging to the same by any custome whatsoever, shall still bee lyable to the same to all intents and purposes; and for their negligence herein shall and may be Ordered by the two next Justices, or shall or may bee presented, or indicted by the churchwardens or any others, at the next Sessions of the Peace, where the offender for his offence herein shall be fined and proceeded against in such manner as the churchwarden for his negligence is to be proceeded against by vertue of this Ordinance. Provided also, where any parish or Chappelrie hath any Lands or Tenements or yearely Rents, or Annuities formerly given to the repairing of their Churches or Chappells and for Church-Duties, the Church-wardens or collectors aforesaid shall be from henceforth Receivers of the said Rents and profits, and shall have power by Warrant from the Justices, to cause the parties who ought to pay the same to be bound over to the next sessions, where they shall bee, upon due prooffe and hearing the said Parties, ordered to pay the said Rents and profits to the Churchwardens, and Collectors aforesaid, who shall dispose of the same according as it ought to be disposed of, and thereby ease the Parish of so much of the charge, and shall yearly accompt for the same in their Accompts as churchwardens

wardens; Provided that this Ordinance, as to the repairing of churches shall not extend to Parishes or chappels where the churches or chappels are totally subverted or ruined by these unhappy wars, extremity of age, or other casualties, nor to any cathedralls, or collegiate churches, which are onely to bee repaired as formerly they have beene used and accustomed. And lastly it is Ordained, That all offences against this Ordinance shall and may bee enquired of, heard, and determined before his Majesties Justices of Assize, of Oyer and Terminer, or Goale delivery, or before the Justices of the Peace of any County, City, or Towne corporate, where any such offence shall be committed by prooffe of Witnesses upon Oath, which the Justices aforesaid shall hereby have power to administer, and at their generall Sessions of the Peace by Indictment, Information, or otherwise, as the case shall require, wherein no waver of Law, Esloyme, Protection, or Injunction shall be admitted or allowed. And it is further Ordered by the Lords and Commons aforesaid, That all and every Sexton, or Parish-clerke within any of the Parishes aforesaid, shall have their due Fees from the severall Parishes, to be ordered and recovered by Warrant from the Justices in such manner as the Rates made for Church-wardens are ordered to bee leavied by this Ordinance; and that they be elected and chosen in such manner as formerly in every Parish hath been accustomed.

*Job. Brown Cler. Parliamentorum.*

**FINIS.**

*John, and  
arch. 1606.*



